

Virginia Regulatory Town Hall

Final Regulation Agency Background Document

Agency Name:	State Air Pollution Control Board
Regulation Title:	Regulations for the Control and Abatement of Air Pollution
Primary Action:	9 VAC 5-20-21
Secondary Action(s):	9 VAC 5-10-20, 9 VAC 5-40-460, 9 VAC 5-40-2930, 9 VAC 5-40-5210, 9 VAC 5-40-5230, 9 VAC 5-40-8130, 9 VAC 5-40-8150, 9 VAC 5-80-10, 9 VAC 5-80-370, 9 VAC 5-80-390, 9 VAC 5-80-1710, 9 VAC 5-80-2010
Action Title:	Technical Documents Incorporated by Reference
Date:	November 15, 2001

Please refer to the Administrative Process Act (§ 9-6.14:9.1 et seq. of the Code of Virginia), Executive Order Twenty-Five (98), and the Virginia Register Form, Style and Procedure Manual for more information and other materials required to be submitted in the final regulatory action package.

Summary

Please provide a brief summary of the new regulation, amendments to an existing regulation, or the regulation being repealed. There is no need to state each provision or amendment or restate the purpose and intent of the regulation.

The proposal is being promulgated to incorporate the latest edition of referenced technical documents. The amendments are needed because the agency's regulations must be current and timely, which means that documents incorporated by reference must be the most recent edition.

Substantial Changes Made Since the Proposed Stage

Please briefly and generally summarize any substantial changes made since the proposed action was published. Please provide citations of the sections of the proposed regulation that have been substantially altered since the proposed stage.

No substantial changes were made since the proposed action was published.

Statement of Final Agency Action

Please provide a statement of the final action taken by the agency, including the date the action was taken, the name of the agency taking the action, and the title of the regulation.

On November 7, 2001, the State Air Pollution Control Board adopted final amendments to regulations entitled "Regulations for the Control and Abatement of Air Pollution," specifically, technical documents incorporated by reference (9 VAC Chapter 20). The regulation amendments are to be effective on February 1, 2002.

Basis

Please identify the section number and provide a brief statement relating the content of the statutory authority to the specific regulation adopted. Please state that the Office of the Attorney General has certified that the agency has the statutory authority to adopt the regulation and that it comports with applicable state and/or federal law.

Section 10.1-1308 of the Virginia Air Pollution Control Law (Title 10.1, Chapter 13 of the Code of Virginia) authorizes the State Air Pollution Control Board to promulgate regulations abating, controlling and prohibiting air pollution in order to protect public health and welfare. Written assurance from the Office of the Attorney General that (i) the State Air Pollution Control Board possesses the statutory authority to promulgate the proposed regulation amendments and that (ii) the proposed regulation amendments comport with the applicable federal law is available upon request.

Purpose

Please provide a statement explaining the rationale or justification of the regulation as it relates to the health, safety or welfare of citizens.

The purpose of the regulation is to incorporate technical documents that are referenced in the regulations. These documents are required by federal law or regulation, and are included in order to ensure that the air pollution control regulations are properly implemented. The proposed amendments are being made to ensure that the most up-to-date and technically accurate documents are used, thus ensuring the proper implementation of the air pollution control regulations, and thereby protecting the public health and welfare.

Substance

Please identify and explain the new substantial provisions, the substantial changes to existing sections, or both where appropriate. Please note that a more detailed discussion is required under the statement providing detail of the changes.

1. The newest editions of technical documents are being incorporated.
2. References to individual documents throughout the regulations have been revised for clarity, updated, or corrected.

Issues

Please provide a statement identifying the issues associated with the regulatory action. The term "issues" means: 1) the primary advantages and disadvantages to the public of implementing the new or amended provisions; and 2) the primary advantages and disadvantages to the agency or the Commonwealth. If there are no disadvantages to the public or the Commonwealth, please include a sentence to that effect.

1. Public: There are no disadvantages to the public associated with this regulation while there are a number of advantages. The health and welfare of individual citizens will be better protected through the efficient and accurate implementation of air pollution control measures. Use of these standards is also advantageous to industry, as they provide scientific and technical information otherwise not readily obtainable by individual facilities. Use of these standards assures convenience and consistency for their users, as well as a strong degree of confidence in their accuracy.
2. Department: There are no disadvantages to the Department associated with this regulation while there are a number of advantages. The amendments concern documents that are technical in nature and pertain to areas in which the agency has limited expertise or resources to conduct extensive research. In addition, the agency must ensure that its references to technical standards are consistent with standards developed and accepted by the scientific and industrial communities. By keeping state requirements consistent with these standards, the state and the regulated community avoid conflict and confusion, and ensure technical accuracy. Relying on existing standards also saves the state time and financial resources by eliminating duplication of research.

Public Comment

Please summarize all public comment received during the public comment period and provide the agency response. If no public comment was received, please include a statement indicating that fact.

No testimony was received on the proposed regulation.

Detail of Changes

Please detail any changes, other than strictly editorial changes, made since the publication of the proposed regulation. This statement should provide a section-by-section description of changes.

Only strictly editorial changes have been made to the proposal since publication.

Family Impact Statement

Please provide an analysis of the regulatory action that assesses the impact on the institution of the family and family stability including the extent to which the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

It is not anticipated that these regulation amendments will have a direct impact on families. However, there will be positive indirect impacts in that the regulation amendments will ensure that the Commonwealth's air pollution control regulations will function as effectively as possible, thus contributing to reductions in related health and welfare problems.

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